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09/181,253	10/28/1998	GREGORY MICHAEL KAROL	FOM-143.01.	9665

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EXAMINER
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KUMAR, PANKAJ

ART UNIT	PAPER NUMBER
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2631

16

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/181,253

Applicant(s)

KAROL, GREGORY MICHAEL

Examiner

Pankaj Kumar

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**1. DETAILED ACTION**

**2. *Response to Arguments***

3. Applicant's arguments filed 11/12/2003 have been fully considered and they are partially persuasive and partially moot in view of the new grounds of rejection.

4. After further consideration of claims 1 and 14, since the proposed modification of Bedrosian for claims 1 and 14 would change the output of Bedrosian, claims 1 and 14 as well as the dependent claims 2-13 would be allowable if rewritten to overcome the 35USC112 rejection.

5. As per applicant's arguments regarding claims 15-20, they are moot in view of the new grounds of rejection.

6. Applicant arguments against obviousness type rejections are moot since the rejections in the current office action are not obvious.

**7. *Response to Amendment***

**8. *Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

10. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Claim 1 recites the limitation "said selective coupling" in the second to the last line in claim 1 on page 3 of the amendment. Selective coupling is occurring at two places – once with feedforward to feedback circuits in the second and third to the last lines in claim 1 on page 3 of

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the amendment and second with an output to the first and second inputs in the fourth and fifth lines in claim 1 on page 3 of the amendment. Therefore, there is insufficient antecedent basis for this limitation in the claim.

13. Claim 14 has the same problem as claim 1.

14. Claims 2-13 are rejected since they depend on claim 1.

### ***15. Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

17. A person shall be entitled to a patent unless –

18. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

19. Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by Kurita 6,163,186

20. As per claim 15, Kurita teaches a circuit comprising: a clock source (Kurita fig. 2: output of B1); a PLL circuit having said clock source as its input (Kurita fig. 2: output of B1 is input into element 1 which is one of the elements of the PLL in fig. 2); a detection circuit (Kurita fig. 2: 81) coupled to said clock source (Kurita fig. 2: 81 is coupled to output of B1) and having an output representative of a presence of said clock source (Kurita fig. 2: output of B1 based on CK); and a feedforward correction circuit coupled to said output of said detection circuit (Kurita fig. 2: output of 81 is coupled to input of 44 and 44 is one of the elements part of the feedforward correction circuit) and to a feedback loop of said PLL (Kurita fig. 2: output of 44 which is part of

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the feedforward correction circuit is connected to 45 which is part of the feedback path of the PLL).

21. Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by Tanonaka et al. 6,173,023

22. As per claim 16, Tanonaka teaches a method for controlling a clocking circuit including a clock source comprising: detecting a failure of said clock source (Tanonaka fig. 14: 111), the clock source (Tanonaka fig. 14: P1T) coupled to an input of a phase-locked loop ("PLL") circuit (Tanonaka fig. 14: 102 with 103 and P1T is coupled to 102); applying a control signal (Tanonaka fig. 14: output of 115) to said PLL (Tanonaka fig. 14: output of 115 going to 102) in response to said failure of said clock source (Tanonaka fig. 14: output of 115 is in response to failure of P1T), said control signal altering a time constant within said PLL (Tanonaka fig. 14: when a clock is down, 102 will be told to select a different clock by 115. When 102 selects a different clock, PLL's time constant has been altered).

23. Claims 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu et al. 6108046

24. As per claim 16, Wu teaches a method for controlling a clocking circuit including a clock source comprising: detecting a failure of said clock source (Wu col. 4 lines 56-67: "...If no video clock is detected..."; col. 5 first paragraph: "When CLK is not available ..."), the clock source coupled to an input of a phase-locked loop ("PLL") circuit (Wu fig. 2: input video clock is coupled to 210, 208 which are both part of the input of a PLL; 202 and 204 are both coupled to

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206 which is the input of a PLL); applying a control signal to said PLL in response to said failure of said clock source (Wu col. 4 lines 56-67: "...If no video clock is detected by the clock detector 208, the MUX 212 is commanded to pass an auxiliary clock value from a divider 214..."; col. 5 first paragraph: "When CLK is not available, TCXO\_SEL is provided ..."), said control signal altering a time constant within said PLL (Wu fig. 2: TCXO\_SEL changes between 206 using the 74.25MHz clock and 74.175MHz clock; the output of 212 reflects a change between two different clock sources).

25. As per claim 17, Wu teaches the method of claim 16, wherein said altering said time constant includes modifying a feedback loop within said PLL by way of said control signal (Wu fig. 2, col. 5 first paragraph: TCXO\_SEL is provided by 120).

26. As per claim 18, Wu teaches the method of claim 17, wherein said altering comprises at least one of engaging and disengaging at least one circuit element into said feedback loop in response to said control signal (Wu fig. 2: engaging and disengaging between the 202 clock rate and 204 clock rate).

27. As per claim 19, Wu teaches the method of claim 16, further comprising switching another clock source to said input of said PLL in response to said control signal (Wu fig. 2, col. 5 first paragraph: switching between 202 and 204 clocks; 212 has output based on switching between two different clock sources).

28. As per claim 20, teaches the method of claim 19, wherein said switching (Wu fig. 2: 212) to said other clock source includes switching from a bus received clock source (Wu fig.2: version of an input video clock) to a local clock source (Wu fig. 2: version of 202 or 204).

**29. Allowable Subject Matter**

30. Claims 1-14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

31. The following is a statement of reasons for the indication of allowable subject matter:  
The art of record does not suggest the respective claim combinations together and nor would the respective claim combinations be obvious with the underlined portion:

32. and feedforward circuitry coupled to said feedback filter circuit and coupled to said clock detection circuit output, said feedforward circuitry selectively coupling at least one circuit element to said feedback filter circuit, wherein said selective coupling is controlled by said clock detection circuit output

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**33. Conclusion**

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (703) 305-0194. The examiner can normally be reached on Mon, Tues, Wed and Thurs after 8AM to after 6:30PM.


35. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (703) 306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

36. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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39. PK

  
MOHAMMAD H. GHAYOUR  
PRIMARY EXAMINER